
TITLE 326 AIR POLLUTION CONTROL BOARD

**FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO [IC 13-14-9-8](#) AND DRAFT RULE
LSA Document #11-472****DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR)****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for [326 IAC 1-1-3](#) concerning an update to references to the CFR to mean the 2011 edition, and [326 IAC 11-8](#) concerning references to the CFR to mean the 2010 edition. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Air Pollution Control Board for consideration of adoption of these rules.

CITATIONS AFFECTED: [326 IAC 1-1-3](#); [326 IAC 11-8](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17-3](#); [IC 13-17-8](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-8](#) recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the [IC 13-14-9](#) environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the proposed rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by [IC 13-14-9-8](#), the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-8](#).

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in [IC 13-14-9-7\(a\)\(2\)](#) from:

(A) exposing the rule to diverse public comment under [IC 13-14-9-3](#) or [IC 13-14-9-4](#);

(B) affording interested or affected parties the opportunity to be heard under [IC 13-14-9-3](#) or [IC 13-14-9-4](#); and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under [IC 13-14-9-3](#) and [IC 13-14-9-4](#).

BACKGROUND

"References to the Code of Federal Regulations", at [326 IAC 1-1-3](#), indicates the yearly edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout Title 326 of the Indiana Administrative Code (IAC), the rules of the Air Pollution Control Board, unless a different edition is specified in a given rule. By annually updating the reference to the CFR, IDEM is able to incorporate by reference the latest version of the CFR already incorporated into the air rules, with the exception of those regulations most recently published in the Federal Register.

The 2011 edition of the CFR is a codification of the general and permanent regulations published in the Federal Register as of July 1, 2011. IDEM incorporates citations by reference from Titles 29 and 40 of the CFR in Title 326.

Title 29 of the CFR contains federal regulations for the asbestos and lead programs. Title 29 of the CFR is referenced in [326 IAC 14](#) (Emission Standards for Hazardous Air Pollutants) and [326 IAC 20](#) (Hazardous Air

Pollutants). Many of these regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or as federal authority for the implementation and enforcement of state rule provisions.

Title 40 of the CFR includes all federal environmental regulations promulgated by the United States Environmental Protection Agency (U.S. EPA). Title 40 is referenced throughout Title 326 of the IAC.

The latest version of the CFR contained in [326 IAC 1-1-3](#) is July 1, 2009. Since that date, a number of new federal regulations have been promulgated that are not reflected in the current version of Title 326 of the IAC. By updating the reference date to July 1, 2011, Title 326 of the IAC will be consistent with those regulations that the federal government promulgated between July 1, 2009, and June 30, 2011.

IDEM is also adding [326 IAC 11-8-3](#), which specifies references to the 2010 edition of the CFR, to preclude adding the final rules published in 76 FR 15704 and 76 FR 28662.

Examples of regulations and changes that have occurred since the last update to [326 IAC 1-1-3](#), References to the Code of Federal Regulations, include:

74 FR 51368, October 6, 2009 - Final Rule - Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators: In this rule, U.S. EPA is revising emission limits for both the new source performance standards (NSPS) and emissions guidelines (EG) for Hospital/Medical/Infectious Waste Incinerators (HMIWI) (40 CFR 60, Subpart Ce; 40 CFR 60, Subpart Ec). Specifically, U.S. EPA is adjusting the statistical approach used to account for variability in the emissions data and is considering the distribution of the data in determining the maximum achievable control technology (MACT) floor emission limits (40 CFR 60, Subpart Ce). The new and revised statistical approach results in higher emission limits. Additional amendments for existing HMIWI are also included. The amendments to the requirements for existing HMIWI at [326 IAC 11-6](#) are being addressed in a separate rulemaking (LSA Document #10-733) adopted by the board on August 3, 2011. Citation affected: [326 IAC 12](#).

74 FR 51950, October 8, 2009 - Final Rule - Standards of Performance for Coal Preparation and Processing Plants: In this rule, U.S. EPA is promulgating amendments to the NSPS for coal preparation and processing plants (40 CFR 60, Subpart Y). These amendments include revisions to the emission limits for particulate matter (PM) and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment (coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems) located at coal preparation and processing plants. These revised limits apply to affected facilities that commence construction, modification, or reconstruction after April 28, 2008. These amendments also establish a sulfur dioxide (SO₂) emission limit and a combined nitrogen oxide (NO_x) and carbon monoxide (CO) emissions limit for thermal dryers located at coal preparation and processing plants. Additionally, the amendments establish work practice standards to control fugitive coal dust emissions from open storage piles located at coal preparation and processing plants. The SO₂ limit, the NO_x/CO limit, and the work practice standards apply to affected facilities that commence construction, modification, or reconstruction after May 27, 2009. U.S. EPA is also modifying the definition of thermal dryer to include both direct contact and indirect contact thermal dryers drying all coal ranks. The definition of coal is modified to include coal refuse. The modifications to these definitions will be used to determine whether and how the standards apply to facilities that commence construction, modification, or reconstruction after May 27, 2009. Citation affected: [326 IAC 12](#).

74 FR 55670, October 28, 2009 - Final Rule - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: In this rule, U.S. EPA is amending the national emission standards for hazardous air pollutants (NESHAP) for petroleum refineries to add MACT standards for heat exchange systems (40 CFR 63, Subpart CC). U.S. EPA is also amending the general provisions cross-reference table and corrects section references. Citation affected: [326 IAC 20-16](#).

75 FR 9648, March 3, 2010 - Final Rule - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: In this rule, U.S. EPA is promulgating NESHAPs for existing stationary compression ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions (40 CFR 63, Subpart ZZZZ). Additionally, U.S. EPA is promulgating NESHAPs for existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of hazardous air pollutant emissions. Lastly, U.S. EPA is revising provisions related to startup, shutdown, and malfunction (SSM) for engines that were regulated previously by these NESHAPs. Citation affected: [326 IAC 20-82](#).

75 FR 51570, August 20, 2010 - Final Rule - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: In this rule, U.S. EPA is promulgating NESHAPs for existing stationary spark ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions (40 CFR 63, Subpart ZZZZ). Citation affected: [326 IAC 20-82](#).

75 FR 54970, September 9, 2010 - Final Rule - National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants: In this rule, U.S. EPA is finalizing amendments to the NESHAP and to the NSPS for Portland Cement Plants. The amendments to the NESHAP add or revise emission limits for mercury, total hydrocarbons (THC), and PM from new and existing kilns located at major and area sources, and for hydrochloric acid (HCl) from new and existing kilns located at major sources (40 CFR 63, Subpart LLL). The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009. The amendments to the NSPS add or revise emission limits for PM, opacity, NO_x, and SO₂ for facilities that commence construction, modification, or reconstruction after June 16, 2008. Lastly, this rule also includes additional testing and monitoring requirements for affected sources. Citation affected: [326 IAC 20-27](#).

75 FR 64864, October 20, 2010 - Final Rule - Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers - Increments, Significant Impact Levels and Significant Monitoring Concentration: In this rule, U.S. EPA is amending the requirements for particulate matter less than 2.5 micrometers (PM_{2.5}) under the Prevention of Significant Deterioration (PSD) program by adding maximum allowable increases in ambient pollutant concentrations and two screening tools, known as the Significant Impact Levels (SILs) and a Significant Monitoring Concentration (SMC) for PM_{2.5} (40 CFR 51, Subpart I; 40 CFR 52, Subpart A). The SILs for PM_{2.5} are also being added to two other New Source Review (NSR) rules that regulate the construction and modification of any major stationary source locating in an attainment or unclassifiable area, where the source's emissions may cause or contribute to a violation of the national ambient air quality standards (NAAQS). IDEM is specifically adding the PM_{2.5} SILs in a separate rulemaking (LSA Document #11-251). Citations affected: [326 IAC 1-2-28.5](#), [326 IAC 2-2](#), [326 IAC 2-3](#), and [326 IAC 2-7](#).

75 FR 80118, December 21, 2010 - Final Rule - Methods for Measurement of Filterable PM₁₀ and PM_{2.5} and Measurement of Condensable PM Emissions From Stationary Sources: In this rule, U.S. EPA is promulgating amendments to 40 CFR 51, Appendix M, Methods 201A and 202 (Method 201A, Method 202). The amendments to Method 201A add a particle-sizing device to allow for sampling of PM_{2.5}. The amendments to Method 202 revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable PM. Additionally, the amendments to Method 202 eliminate most of the hardware and analytical options in the existing method, thereby increasing the precision of the method and improving the consistency in the measurements obtained between source tests performed under different regulatory authorities. Citations affected: [326 IAC 6.8-2-6](#), [326 IAC 6.8-4](#).

76 FR 2832, January 18, 2011 - Final Rule - National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants: In this rule, U.S. EPA is making amendments to the NESHAP for the Portland Cement Manufacturing Industry and NSPS for Portland Cement. The previous final rules were published on September 9, 2010, at 75 FR 54969. This rule amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits (40 CFR 63, Subpart LLL). Citation affected: [326 IAC 20-27](#).

76 FR 3517, January 20, 2011 - Final Rule - Standards of Performance for Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small, Industrial-Commercial-Institutional Steam Generating Units: In this rule, U.S. EPA is amending the NSPS for electric utility steam generating units and industrial-commercial-institutional steam generating units. This action amends the testing requirements for owners/operators of steam generating units that elect to install PM continuous emissions monitors (CEMS). It also amends the opacity monitoring requirements for owners/operators of affected facilities subject to an opacity standard that are exempt from the requirement to install a continuous opacity monitoring system (COMS) (40 CFR 60, Subpart D; 40 CFR 60, Subpart Da; 40 CFR 60, Subpart Db; 40 CFR 60, Subpart Dc). Citation affected: [326 IAC 12](#).

76 FR 15372, March 21, 2011 - Final Rule - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units: In this rule, U.S. EPA is promulgating a NSPS for sewage sludge incineration units located at wastewater treatment facilities designed to treat domestic sewage sludge. The rule sets limits for nine pollutants under Section 129 of the Clean Air Act (CAA): Cadmium, CO, HCl, lead, mercury, NO_x, PM, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, and SO₂ (40 CFR 60, Subpart LLLL). IDEM will be addressing the EG for existing sources (40 CFR 60, Subpart MMMM) in a separate rulemaking. Citation affected: [326 IAC 12](#).

76 FR 15704, March 21, 2011 - Final Rule - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units: In this rule, U.S. EPA is promulgating its final response to the 2001 voluntary remand of the December 1, 2000, NSPS and EG for commercial and industrial solid waste incineration (CISWI) units and the vacatur and remand of several definitions by the District of Columbia Circuit Court of Appeals in 2007 (40 CFR 60,

Subpart CCCC; 40 CFR 60, Subpart DDDD). Additionally, this action includes the 5-year technology review of the NSPS and EG required under Section 129 of the CAA. This rule also promulgates other amendments that U.S. EPA believes are necessary to address air emissions from CISWI units. Due to U.S. EPA reconsideration of this rule (76 FR 28662), IDEM is specifying the 2010 edition of the CFR in [326 IAC 11-8](#) to preclude bringing this final rule into Article 11 of the IAC. Citations affected: [326 IAC 11-8](#), [326 IAC 12](#).

76 FR 17288, March 28, 2011 - Final Rule - Protocol Gas Verification Program and Minimum

Competency Requirements for Air Emission Testing: In this rule, U.S. EPA is modifying existing requirements for sources affected by the federally administered emission trading programs, including the NO_x Budget Trading Program, the Acid Rain Program, and the Clean Air Interstate Rule (40 CFR 72, Subpart A; 40 CFR 75). U.S. EPA is amending its Protocol Gas Verification Program (PGVP) and the minimum competency requirements for air emission testing (formerly air emission testing body requirements) to improve the accuracy of emissions data. U.S. EPA is also amending other sections of the Acid Rain Program CEMS regulations by adding and clarifying certain recordkeeping and reporting requirements, removing the provisions pertaining to mercury monitoring and reporting, removing certain requirements associated with a class-approved alternative monitoring system, disallowing the use of a particulate quality assurance option in U.S. EPA Reference Method 7E, adding two incorporation by references that were left out of the January 24, 2008 final rule, adding two new definitions, revising certain compliance dates, and clarifying the language and applicability of certain provisions. Citations affected: [326 IAC 10-4](#), [326 IAC 24](#).

76 FR 22566, April 21, 2011 - Final Rule - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and the Printing and Publishing Industry:

In this rule, U.S. EPA is taking final action for four NESHAPs that regulate 12 industrial source categories evaluated in its risk and technology review. The four NESHAP include: National Emissions Standards for Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and the Printing and Publishing Industry. For the Marine Tank Vessel Loading Operations NESHAP and the Group I Polymers and Resins NESHAP, U.S. EPA is finalizing emission standards to address certain emission sources not previously regulated under the NESHAP (40 CFR 63, Subpart U). U.S. EPA is also finalizing changes to the Pharmaceuticals Production NESHAP to correct an editorial error. For each of the four NESHAPs, U.S. EPA is finalizing revisions to the regulatory provisions related to emissions during SSM periods and promulgating provisions addressing electronic submission of emissions test results (40 CFR 63, Subpart U; 40 CFR 63, Subpart KK; 40 CFR 63, Subpart GGG). Citations affected: [326 IAC 20-17](#), [326 IAC 20-18](#), [326 IAC 20-19](#), and [326 IAC 20-57](#).

76 FR 28662, May 18, 2011 - Final Rule - Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units:

In this rule, U.S. EPA is delaying the effective dates for the final rules titled "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters" (76 FR 15608) and "Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (76 FR 15704) under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules are completed or U.S. EPA completes its reconsideration of the rules, whichever is earlier. IDEM is specifying the 2010 edition of the CFR in [326 IAC 11-8](#) to preclude bringing this final rule into Article 11 of the IAC. Citation affected: [326 IAC 11-8](#).

76 FR 28664, May 18, 2011 - Final Rule - Method 301-Field Validation of Pollutant Measurement

Methods From Various Waste Media: In this rule, U.S. EPA is revising the procedures in 40 CFR 63, Method 301, Field Validation of Pollutant Measurement Methods from Various Waste Media (Method 301) based on its experience in applying the method and to correct errors that were brought to its attention. The revised Method 301 is more flexible, less expensive, and easier to use. Citation affected: [326 IAC 8-20-7](#).

76 FR 37954, June 28, 2011 - Final Rule - Standards of Performance for Stationary Compression

Ignition and Spark Ignition Internal Combustion Engines: In this rule, U.S. EPA is revising the NSPS for new stationary compression ignition internal combustion engines. The rule requires more stringent standards for stationary compression ignition engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder, consistent with recent revisions to standards for similar mobile source marine engines (40 CFR 60, Subpart IIII). Additionally, the action revises the requirements for engines with displacement at or above 30 liters per cylinder to align more closely with recent standards for similar mobile source marine engines, and for engines in remote portions of Alaska that are not accessible by the Federal Aid Highway System. The action also provides additional flexibility to owners and operators of affected engines, and corrects minor mistakes in the original NSPS. The final standards will reduce NO_x by an estimated 1,100 tons per year (tpy), PM by an estimated 38 tpy, and hydrocarbons by an estimated 18 tpy in the year 2030. Citation affected: [326 IAC 12](#).

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that

have a substantive effect on the scope or application of the federal rule.

Potential Fiscal Impact

Updating the reference to the CFR to mean the July 1, 2011, edition in [326 IAC 1-1-3](#) allows federal and state rules to be consistent with each other and does not establish any requirements to which the regulated sources are not already subject. There are no increased costs to the regulated entities due to this rulemaking. The proposed amendments to [326 IAC 1-1-3](#) and [326 IAC 11-8](#) will have no fiscal impact because the amendments are an incorporation of existing federal law and no impact beyond that already imposed by the federal law is imposed by this rulemaking.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Ryan Knapick, Rule and State Implementation Plan Development Section, Office of Air Quality at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/ctap/

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Alison Beumer
IDEM Small Business Regulatory Coordinator
MC 60-04 IGCS W041
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-1191 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Ryan Asberry
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 232-8962
smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Brad Baughn
IDEM Small Business Assistance Program Ombudsman
MC 50-01 IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386 or (800) 451-6027
bbaughn@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared findings regarding this rulemaking updating references to the July 1, 2011, edition of the CFR and the revisions to citations of federal standards that are incorporated by reference as required by federal rule. These findings are prepared under [IC 13-14-9-8](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana, and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by the Clean Air Act (CAA) to adopt these requirements as state rule.
- (3) The environment and persons regulated or otherwise affected by the proposed rule will benefit from prompt adoption of this rule, because it alleviates unnecessary duplication of rulemaking efforts by the state by directly updating the references to the CFR that have been amended by the U.S. EPA.
- (4) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the proposed rule from the first or second written comment period under [IC 13-14-9-3](#) or 4, or from the first public hearing under [IC 13-14-9-5\(a\)\(1\)](#).

(5) The draft rule is hereby incorporated into these findings.
Thomas W. Easterly
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

#11-472 2011 CFR Update
Ryan Knapick
Rule and State Implementation Plan Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 61-50
Indianapolis, IN 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule and State Implementation Plan Development Section at (317) 234-6530.

Comments submitted to IDEM become public records and may be read by any member of the public.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 14, 2011.

Additional information regarding this action may be obtained from Ryan Knapick, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-1-3](#) References to the Code of Federal Regulations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2009, **2011**, edition*.

*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 1-1-3](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#); filed Apr 1, 2008, 9:59 a.m.: [20080430-IR-326070373FRA](#); filed Jul 1, 2009, 3:12 p.m.: [20090729-IR-326080901FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#))

SECTION 2. [326 IAC 11-8-3](#) IS ADDED TO READ AS FOLLOWS:

[326 IAC 11-8-3](#) References to the Code of Federal Regulations

Authority: [IC 13-14-8](#); [IC 13-17-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. All references to the CFR in sections 1 and 2 of this rule are to the 2010 edition* of the CFR.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; [326 IAC 11-8-3](#))

[Notice of Public Hearing](#)

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